

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LARRY SNOW,

Petitioner,

v.

Case No. 2:08-cv-94
HON. R. ALLAN EDGAR

LINDA M. METRISH,

Respondent.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on March 19, 2009. The Report and Recommendation was duly served on the parties. The Court has received objections from petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Contrary to petitioner's assertion, petitioner never fully exhausted his claim as a violation of constitutional law. Rather, petitioner clearly raised his claim as a challenge to the interpretation of language of the statute. Nevertheless, in petitioner's objections he has made it clear that his challenge is identical to the challenge raised in *People v. Hill*, 269 Mich. App. 505; 715 NW2d 301 (2006). Petitioner argues that it would be futile to require him to raise this claim when the Michigan appellate courts rejected it in *Hill*. Petitioner has raised a valid point. However, for the reasons stated by the Michigan Court of Appeals in *Hill* and explained in the

recommendation, petitioner's claim lacks merit. The petition is dismissed.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #16) is approved and adopted as the opinion of the Court.

Dated: 5/5/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE